INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Omaha FILE NUMBER: NE 05-10083

REGULATORY PROJECT MANAGER: Barb Friskopp Date: February 9, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Date: February 9, 2005

At the project site Date:

PROJECT LOCATION INFORMATION:

State: Nebraska County: Cherry

Center coordinates of site by latitude & longitudinal coordinates: 42° 30' 16" 100° 32' 13" Approximate size of site/property (including uplands & in acres): 10-mile long roads project

Name of waterway or watershed: Calamus - Middle Niobrara

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands							676		
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Abandoned sand pit	-								

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown			
			Use Best Professional Judgment			
	Yes	No	Predicted	Not Expected to	Not Able To Make	
			to Occur	Occur	Determination	
Is or would be used as habitat for birds protected by			X			
Migratory Bird Treaties?						
Is or would be used as habitat by other migratory birds that			X			
cross state lines?						
Is or would be used as habitat for endangered species?			X			
Is used to irrigate crops sold in interstate commerce?		X				

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

Preliminary

Or

Approved X.

TYPE OF DETERMINATION:

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., Paragraph 1-site conditions; Paragraph 2-3-rationale used to determine NJD including information reviewed to assess potential navigation or interstate commerce connections; Paragraph 4-site information on waters of the US occurring on-site):

Isolated wetlands